

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOSE GUADALUPE VALENTIN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. **3:19-CV-2532-L**

ORDER

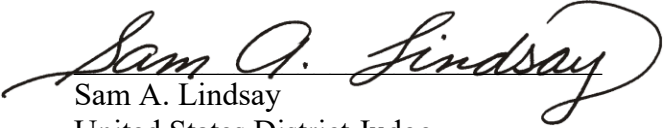
On February 24, 2020, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) were entered (Doc. 8), recommending that the court dismiss without prejudice this action by pro se Plaintiff Jose Guadalupe Valentin (“Plaintiff”) under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order. No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses without prejudice** this action under Rule 41(b) for failure to prosecute and comply with a court order.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate

motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 20th day of March, 2020.


Sam A. Lindsay
United States District Judge